

# Notice of Allowability

Application No.

10/033,863

Examiner

Jerry A Lorengo

Applicant(s)

RAPHEL ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendments and argumnets filed May 26, 2004.
2. ☒ The allowed claim(s) is/are 14-43.
3. ☒ The drawings filed on 01 April 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

**DETAILED ACTION**

(1)

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claims 1-13, non-elected without traverse in the paper filed November 6, 2003, have been cancelled.

(2)

***Allowable Subject Matter***

Claims 14-43 have been found to be allowable over the prior art of record.

(3)

The following is an examiner's statement of reasons for allowance:

Methods for the patterning of substrates through the use of a patterned electrometric membrane formed by casting on a pattern-imparting master substrate, such as taught by Ostuni et al.,<sup>1</sup> are known in the art. Ostuni et al. for example discloses a process comprising the steps of: Applying a coating of membrane materials over a selected portion of a patterned substrate; curing the membrane; removing the membrane from the substrate; applying the membrane to a target surface; and employing the membrane to apply a pattern to surface. Ostuni et al. further disclose that handling of the membrane may be eased applying a thicker layer elastomeric material to the of the cured elastomeric membrane to form a reinforcement layer. Although U.S. Patent No. 4,802,945 to Opina, also drawn to methods for the use of patterned thin films in the patterning of a target substrate, disclose that it is known to utilize a reinforcing perimeter frame adhesively bonded to the patterned thin film to ease handling during use, none of the prior art of record specifically teach or suggest the method set forth in applicant claims 14, 16, 18 and 22 wherein the support frame is applied to the membrane while in an uncured state followed by curing of the

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<sup>1</sup> Ostuni et al., "Patterning Mammalian Cells Using Elastomeric Membranes", Langmuir, June 21, 2000.

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membrane to attach the support frame thereto. Furthermore, it would not have been obvious to one of ordinary skill in the art at the time of invention to utilize the support member of Opina in the method of Ostuni et al. given the fact that Ostuni et al. contemplate membrane reinforcement through the application of an extra layer of elastomer about the perimeter of the already cured membrane. The prior art of record is silent, as per applicant claim 39, wherein after moving the support member and the membrane to a second location, i.e., the target substrate, the support member is detached from the membrane. Finally, the prior art is silent as to the method set forth in applicant claim 42 wherein after attaching the support member to the membrane and moving the support member and the membrane to a second location, additional elastomeric material is applied to the top surface of the membrane.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

(4)

***Response to Amendments and Arguments***

The amendments and arguments filed May 26, 2004 are acknowledged. In response to the amendments to applicant claims 16, 18, 39 and 42, to incorporate in independent form the subject matter previously indicated as allowable; the amendment of applicant claim 22; and the arguments set forth on pages 9, 10, 13 and 14, claims 14-43 have been passed to issue as set forth and explained in sections (2) and (3), above.

(5)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry A Lorengo whose telephone number is (571) 272-1233. The examiner can normally be reached on Monday through Friday, 8:30 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J.A. Lorengo, Primary Examiner

AU-1734

August 22, 2004